

MINUTES
PLANNING COMMISSION
MAY 24, 2011 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Sherrard, Munn, Pritchard, Roper, Steinfeld
Alternate members present: Kane, Fitzgerald, Zod
Staff present: Davis, Glemboski, Murphy, Gilot

Chairman Sherrard called the meeting to order at 7:07 p.m.

II. APPROVAL OF THE MINUTES OF meeting of May 10, 2011

MOTION: To approve the minutes of May 10, 2011, as amended

Motion made by Steinfeld, seconded by Roper, so voted unanimously.

III. PUBLIC COMMUNICATIONS

Fitzgerald reported to the Commission on his research with the NFL office regarding artificial vs. natural turf at the high school. He wrote a letter to the Town Manager reporting his findings (extensive maintenance & special shoes required, increased risk of injury), and copies of the letter were distributed to the Commissioners.

IV. SUBDIVISIONS

1. Obrey Subdivision, Gold Star Highway – Request for Extension of Approval of Subdivision Plan

Mark Block, Citizen's National Bank, requested a 45 day extension for the approval of the subdivision plan. A contractor has been hired to do the stabilization work and a bond has been posted. Staff said the stabilization work will need to be completed within the 45 days.

MOTION: To approve a 45 day extension for approval of the Obrey Resubdivision, Gold Star Highway (Route 184) with the following conditions:

1. The stabilization work shall be completed in accordance with Schematic Site Stabilization Plan – Obrey Resubdivision (Dated 11/23/10 - Last Revision 1/10/11).
2. All stabilization work shall be completed prior to July 11, 2011.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

V. SITE PLANS

1. Wal-Mart Expansion Project, 150 Gold Star Highway – Action Required

The Commission's procedures for a site plan application were reviewed by the Chairman.

Attorney John Knuff of Hurwitz, Sagarin, Slossberg, and Knuff, LLC, Milford, CT, represented the applicant, Wal-Mart Business Trust. Mr. Knuff said he and their representatives would address the outstanding issues from the previous meeting.

Larry Rusiecki of Doucet & Associates, Inc. reviewed the modifications to the plan presented at the previous meeting. The landscaping, islands, access ways, sidewalks, crosswalks and grading plan were revised from the original plans, and Mr. Rusiecki explained each of the revisions. The drainage was not affected. Two bike racks had been added to the front of the store. Also modified were the pedestrian access and signage. Larger caliper trees were added in the parking area. Lights will be full cutoff fixtures. There would be no outdoor storage or outdoor containers outside of the storage area shown on the plans. The WRPD requirements were reviewed.

Traffic Engineer Shaun Kelly of Vanasse & Associates, responded to previous comments. Pedestrian accommodations have been revised to include two pedestrian accessways to the front door. Existing crosswalks were reviewed. The applicants will meet with local Traffic Authority and DOT State Traffic Commission; if those agencies request a crosswalk at Gold Star and Kings Highway, the applicant will not have a problem accommodating that request. Access between Groton Square and the Wal-Mart site was reviewed. Comments were raised on how that intersection works. The inbound from Gold Star Highway and the internal traffic was reviewed. A recent informal traffic review during the p.m. peak time was explained. The majority of cars who used the internal connector used that connector to access the traffic light onto Route 184, rather than into Wal-Mart. There is no major concern with safety; the police have no record of accident history there.

Larry Rusiecki of Doucet & Associates, Inc. reviewed the WRPD compliance plan. Impervious area lot coverage, natural area state calculation, wetlands and the inland wetlands permit were reviewed. Mr. Rusiecki explained that the propane farm will be removed; the store will be connecting to the natural gas line. He also reviewed the spill containment plan, hazardous waste storage areas, floor drains to sanitary sewer system, garden center fenced and with a canopy rooftop, rooftop on dumpster location, bale and pallet area enclosure. The stormwater permit will be revisited as part of state permitting and erosion & sediment measures will be in compliance with stormwater regulations. The oil-water separator at loading dock area is oversized, and a shutoff valve is added at oil-water separator. Stormwater discharge was reviewed. Snow removal (no salt application), fully sprinklered building, DPH tie-in to sewer system, threshold at all exterior doors with a ½ inch lip, ADA compliance, detail of slope at loading dock and main entry, and spill containment were explained.

The traffic from the connector road to the hotel was reviewed.

Sunday Bougher of Scott & Goble Architects said skylights have been added to the building, the emergency lighting is in accordance with safety requirements and backup generators are available as needed.

Attorney Knuff addressed the merging of the Wal-Mart parcel with the residential lot in 1993. Since then, this property has been treated as one parcel, with one deed and taxed as one lot. The parcel is in two different zones, but both are in the WRPD. The 30 foot rule, based on Section 3.5 of the zoning regulations, was clarified as to not pertaining to the WRPD requirements. Controls at crosswalk on Route 184 were discussed. If the traffic authority makes the recommendation to the STC, a control will be installed.

Shaun Kelly showed a trip-generation summary. Additional traffic, new trips, and the cut-through from the hotel were reviewed. The topography and wetlands prohibit putting a walkway between the hotel and the store.

Larry Rusiecki detailed the landscape plantings, tree species and locations.

Staff reviewed the revised changes as well as outstanding items, such as signs on the site that will be reviewed under separate building permits. Staff explained that the maximum building coverage calculation is based on the commercial area of the site only. The WRPD requirements (natural state area calculation and impervious coverage calculation) are based on the entire parcel because the entire parcel is in the WRPD.

Mr. Knuff discussed the non-conforming use in the WRPD only with regard to parking, the merge of the lots within the WRPD, and the zoning regulations with regard to same, and the consistency of the project with the POCD.

Attorney Tom Cody, Robinson and Cole, representing Stop and Shop Supermarket Co. LLC, reviewed his correspondence from May 19, 2011 and May 24, 2011 and noted that the owner of the Groton Square Shopping Center submitted a letter to the Commission to express their view on the Wal-Mart application.

Mr. Cody said that two principal issues have been raised. First, the shared access, including right-in right-out on Route 184. On the plans, sheet C-4 shows the property line separating Wal-Mart from Groton Square. Driveway leaves Wal-Mart onto Groton Square. In 1986, when Groton Square was approved, the connection did not exist. Part of the approval of Groton Square required the developer to continue negotiations with Railroad Salvage and when concluded, the connection would be built. After it was built, no cross access easement or agreement was placed on the land records, as is the common practice with commercial properties. Mr. Cody discussed the status-quo size of both stores, but now Wal-Mart proposes an expansion and suggested that Wal-Mart should have approached Groton Square with their proposed expansion. Mr. Cody also discussed his interpretation of the zoning regulations with regard to the WRPD requirements and the underlying zones.

Mr. Cody presented several questions for Mr. Kelly regarding his traffic analysis. Mr. Knuff stated that it would be a little unusual to allow Mr. Cody to "cross-examine" Mr. Kelly. Chairman Sherrard told Mr. Cody that he could only address the Commission, and the Commission would ask Mr. Knuff to respond only if he chose to. Attorney Knuff requested a five minute recess to allow him to speak with Mr. Kelly before deciding if he would answer the questions.

The Commission took a recess at 8:54 p.m. and reconvened at 9:04 p.m.

Attorney Knuff discussed the idea that the issues raised by Mr. Cody came up only at the 11th hour, putting the Commission and the applicant in a difficult position, due to the fact that they will be competitors. Mr. Knuff reviewed the two parcel assumption; said there was no merit in the POCD argument brought forth in Mr. Cody's letter from May 19th; discussed the access way and agreement, and said the Commission should not be negotiating cross-access agreements. He felt that no easement was required and that the Commission asked both parties to pave to their property line. The required interconnect is depicted on the Groton Shoppers Mart STC

Permit #583 pavement plan; was a requirement of planning approval; and the original agreement was with Railroad Salvage, which was seven years before Wal-Mart.

Mr. Kelly said the informal traffic count was performed between 4:30 and 5:30 p.m. and described how he did the traffic count.

The Chairman asked the 5 regular members if they were ready to vote, or would prefer to review the documents received tonight, and have a special meeting next week. All members said they were ready to vote.

MOTION: To approve a site plan for Wal-Mart Expansion, 150 Gold Star Highway with the following modifications:

1. A note shall be placed on the plans stating "Any modifications required by a State Traffic Commission (STC) Certificate, or any other State permitting process, shall be reviewed by Town staff. Any required modifications to the site plan shall be approved by the appropriate agencies, as necessary."
2. A note shall be placed on the final plan stating "Upon completion of construction, an as-built from a certified engineer shall be provided to the Office of Planning and Development Services (OPDS) and Groton Utilities. The as-built shall show that all drainage facilities and other site improvements have been installed according to final approved site design plans. Any modifications to the drainage design shall be reviewed and approved by the Town and Groton Utilities."
3. All signage shall meet Section 7.3 of the Zoning Regulations.
4. All technical items by staff shall be addressed.

The Planning Commission finds that the site plan for the expansion of the Wal-Mart at 150 Gold Star Highway meets the requirements of the Town of Groton Zoning Regulations, including the specific requirements of the Water Resource Protection District.

Motion made by Sherrard, seconded by Pritchard.

Roper stated for the record, that he felt strongly about connectors in general and specifically in this case. It is important for the public to have alternatives and easy access, and the connector benefits both parties, and has always been encouraged by the Planning Commission.

Motion passed unanimously

2. Four Paws Veterinary Clinic, 151 Cow Hill Road

Dr. Monteiro proposed to put a temporary trailer on the site of his new veterinary building, which is scheduled to be complete in early fall. He is nearing the end of his lease at 144 Whitehall Avenue in Stonington, and would like to continue his business until the new building is complete. This request is still conforming to the special permit.

Staff said this is a modification of the site plan approval. Staff noted the location of the trailer on the property. The plan was reviewed by outside agencies. The code, signage, ADA requirements have been met. Medical waste and animal body disposal was explained by Dr. Monteiro. Customer and staff parking were reviewed.

MOTION: To approve a modified site plan for Four Paws Veterinary, 151 Cow Hill Road, to allow phased project implementation, consisting of two phases, subject to the following conditions:

1. Occupancy and use of the site for phase I shall not extend past November 1, 2011.
2. Prior to occupancy and use of the site for phase I, the main access drive and all portions of the site to be used by the general public in phase I shall be completed in accordance with SIT #10-1, however the Commission will allow a base course of pavement and temporary stabilization in phase I only.
3. All site improvements required pursuant to SIT #10-1 shall be completed, occupancy of the permanent building shall be taken, and all temporary improvements shall be removed from the site no later than November 1, 2011.
4. The owner shall at all times manage site construction activities so as to limit risks to patrons and employees, including but not necessarily limited to appropriate site signage to direct patrons and to prohibit patron access to the active construction areas of the site.
5. During phase I, no contractor equipment, vehicles, supplies, materials or other items shall be located within the portion of the site approved for public use. In particular, no parking or other use shall be permitted in the main access drive when the public is using the site.
6. The temporary sewer connection, electrical connection(s), off-site employee parking, temporary office and any other related temporary uses and/or improvements shall be exclusive to phase I as approved herein and shall cease and/or be removed no later than November 1, 2011.
7. Prior to occupancy under phase I, the owner may be required to post a cash surety sufficient to permit removal of the office trailer, in the event the owner does not comply with applicable conditions of this approval.
8. Only the portions of the site permitted to be used under phase I shall be used under phase I, and the scope of this phased approval shall not be construed as permitting use and/or occupancy of any other portion of the site, prior to the issuance of a final certificate of site plan compliance.
9. By accepting occupancy of the site pursuant to this phased approval, the applicant consents to the condition requiring completion of all site improvements by November 1, 2011.
10. All technical items by staff shall be addressed.

Motion made by Sherrard, seconded by Roper, so voted unanimously.

VI. OLD BUSINESS

1. Land Use Regulation Update Project – No report

VII. NEW BUSINESS

1. Report of Commission

The Chairman asked about the renewal of administrative site plan applications for hot dog carts.

Steinfeld asked staff about the purchaser of the former Tim Horton's building in downtown. Staff said some Dunkin Donuts operators have been purchasing the buildings, but did not have information on that specific building.

The Chairman said he would like the Commission to address only those referrals on the agenda that needed to be addressed prior to their next meeting on June 14th.

2. ZBA Referral for June 8, 2011 Public Hearing - 41 Depot Road (Public Hearing 6/8/11)

Staff explained the referral. The Commission had no comment.

3. Referrals from Stonington

- a. Special Permit 17-19 East Main (Public Hearing closed 5/17/11)

This is an application to tear down old structure and replace with a new one. The Commission asked staff to pass on their comment to Stonington that this may have a negative impact on the historic atmosphere.

- b. Zoning Text Amendment (detached banners) – Co-applicants Mystic Seaport and Mystic Aquarium (Public Hearing 6/7/11)

Staff does not believe this will have a negative impact on Groton. The Commission had no comment.

- c. Zoning Text Amendment – Applicant –Town of Stonington Conservation Commission (Public Hearing 6/21/11)

The Commission tabled this application to June 14, 2011.

- d. Zoning Text Amendment – Applicant - Mason's Island Landing, LLC. - (Public Hearing 6/21/11)

The Commission tabled this application to June 14, 2011.

Motion to table Items 3c and 3d was made by Sherrard and seconded by Pritchard. Motion passed unanimously.

4. Referrals from New London

- a. Zoning Text Amendment - Flood Regulations (Public Hearing 6/2/11)

The Commission had no comment.

- b. Subdivision Text Amendment - Flood Regulations (Public Hearing 6/2/11)

The Commission had no comment.

5. Referral from Noank

- a. Zoning Text Amendments - Flood Regulations (Public Hearing 6/21/11)

Motion to table Item 5a to June 14, 2011 made by Sherrard, seconded by Pritchard, and passed unanimously.

6. Referrals from the State DEP

- a. OLISP, Referral of Navy Permit Application regarding proposed improvements to Pier 15 and the base's "marginal wharf" - Comments due no later than 6/4/11

The Commission had no comment.

- b. Groton Utilities (Town of Ledyard, co-applicant), Referral of Application to the DEP's Inland Water Resources Division to Modify GU's existing Diversion Permit.

The Commission had no comment.

- c. OLISP, Referral of Proposed Dock Application, 1008 Groton Long Point Road (GLP) Comments due to DEP by 6/18/11

Motion to table to the referral to June 14, 2011 made by Sherrard and seconded by Roper; so voted unanimously.

VIII. REPORT OF CHAIRMAN

Chairman Sherrard said he will not be able to attend the two June meetings.

IX. REPORT OF STAFF

Staff said the Connecticut statute that was in their packet has already been approved and signed by the Governor.

Staff updated the Commission on the progress of the streetscape project and Central Hall. Sidewalks are being poured from Bridge Street to Gravel Street, and some paving is being done; no work can be done on West Main Street after May 31st. Staff suggested a site walk for the Commission to downtown Mystic.

Staff reported that the RTM reduced the OPDS proposed budget \$50,000, but \$13,000 was recouped, so the budget is now reduced by \$36,000. OPDS will most likely not be able to modify and fill a building inspector position.

Noank will hold a public hearing on June 21st for their flood regulations.

FEMA will be holding meetings with surrounding town officials for the new map project on June 8th in the Town Hall Annex.

The annual Flag Day ceremony in downtown Mystic will be on June 14th at 8 am.

Roper said that he is selling raffle tickets as a fundraiser for Mystic Community Bikes.

X. ADJOURNMENT

Motion to adjourn at 10:09 p.m. made by Steinfeld, seconded by Roper, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Debra Gilot
Office Assistant III